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United States Department of Agriculture,

Service and Regulatory Announcements No. 77.

(AGRICULTURAL ECONOMICS.)

RULES AND REGULATIONS

OF THE
SECRETARY OF AGRICULTURE

GOVERNING THE INSPECTION OF HAY

UNDER AN ACT OF CONGRESS
APPROVED FEBRUARY 26, 1923
(PUBLIC NO. 446, 67TH CONGRESS).

ISSUED —————, 1923.

DEPARTMENT OF AGRICULTURE,
Washington.

By virtue of the authority vested in the Secretary of Agriculture by the following provision of the act of Congress entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1924," approved February 26, 1923 (Public, 446, 67th Congress),

For enabling the Secretary of Agriculture to investigate and certify to shippers and other interested parties the quality and condition of fruits, vegetables, poultry, butter, hay, and other perishable farm products, when offered for interstate shipment or when received at such important central markets as the Secretary of Agriculture may from time to time designate, or at points which may be conveniently reached therefrom, under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered: Provided, That certificates issued by the authorized agents of the department shall be received in all courts of the United States as *prima facie* evidence of the truth of the statements therein contained,

I, HENRY C. WALLACE, Secretary of Agriculture, do make, prescribe, publish, and give public notice of the following rules and regulations governing the inspection of hay and to be in force on and after July 1, 1923, until amended or superseded by rules and regulations hereafter made by the Secretary of Agriculture under said act.

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia this 21st day of June, 1923.



Henry C. Wallace
Secretary of Agriculture.

REGULATIONS OF THE SECRETARY OF AGRICULTURE GOVERNING THE INSPECTION OF HAY.

Regulation 1. Definitions.

SECTION 1. Words in these regulations in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

SECTION 2. For the purpose of these regulations, unless the context otherwise require, the following terms shall be construed, respectively, to mean:

Paragraph 1. *The act*.—The following provisions of an act of Congress entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1924," approved February 26, 1923 (Public, No. 446, 67th Cong.): "For enabling the Secretary of Agriculture to investigate and certify to shippers and other interested parties the quality and condition of fruits, vegetables, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary of Agriculture may from time to time designate or at points which may be conveniently reached therefrom, under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost of the service rendered: *Provided*, That certificates issued by the authorized agents of the department shall be received in all courts of the United States as *prima facie* evidence of the truth of the statements therein contained."

Paragraph 2. *Person*.—Individual, association, partnership, or corporation.

Paragraph 3. *Secretary*.—Secretary or Acting Secretary of Agriculture of the United States.

Paragraph 4. *Bureau*.—Bureau of Agricultural Economics of the United States Department of Agriculture.

Paragraph 5. *Hay inspector*.—Employee of the Department of Agriculture or other person authorized by the Secretary to investigate and certify to shippers and other interested parties the quality and condition of hay under the act.

Paragraph 6. *Inspection certificate*.—Certificate of the quality and condition of hay issued by a hay inspector under the act.

Paragraph 7. *Regulations*.—Rules and regulations of the Secretary under the act.

Regulation 2. Administration.

SECTION 1. The chief of the bureau is charged with the supervision of the performance of all duties arising in the administration of the act.

Regulation 3. Where Service is Offered.

SECTION 1. Hay may be inspected for the purposes of the act at points indicated in paragraphs 1, 2, and 3 of this section whenever hay inspectors are available.

Paragraph 1. *Shipping points*.—Inspections may be made wherever hay is offered for interstate shipment, including farms, warehouses, loading platforms, wagons, trucks, railway cars, boats, and vessels.

Paragraph 2. *Designated markets.*—Important central markets at which hay inspectors are available will be designated by the Secretary from time to time. Lists of these markets will be published as provided in regulation 8, section 1, and may be obtained from the bureau.

Paragraph 3. *Other points.*—Inspections may be made at any point near a designated market under conditions provided in regulation 7, section 1, to the extent permitted by the time of hay inspectors.

Regulation 4. Inspection.

SECTION 1. *Forms of inspection.*—Inspections may be either complete, partial, or sample, as follows:

Paragraph 1. *Complete inspection.*—A complete inspection is confined to baled hay and is a thorough examination for quality and condition by a hay inspector, either (a) of each bale of hay in the lot or (b) of a sufficient portion of the lot to permit the quality and condition of the entire lot to be determined, under conditions prescribed by the chief of the bureau in effect at the time of making the inspection.

Paragraph 2. *Partial inspection.*—A partial inspection is an examination for quality and condition by a hay inspector of the visible part of a lot of hay under conditions where a complete inspection can not be made. Each partial inspection certificate shall state the portion of the lot examined by the hay inspector.

Paragraph 3. *Sample inspection.*—A sample inspection is a thorough examination for quality and condition by a hay inspector of a bale or other portion of hay which is represented to be a sample of a larger lot. Such portion shall be, in the opinion of the inspector, of sufficient size to permit accurate determination of all factors affecting its quality and condition. Each sample inspection certificate shall state the size of the sample and that the grade assigned applies only to the sample.

SECTION 2. *Who may obtain inspection.*—An application for inspection of hay under the act may be made by a State or by any person having a financial interest in the hay involved, including the shipper, the receiver, or the carrier, or by any authorized person in behalf of such applicant.

SECTION 3. *How inspection may be obtained.*—Application for inspection of hay under the act may be made in writing or orally, by telegraph, telephone, or otherwise. Such application may be made to any hay inspector. If made orally, the hay inspector may require that it be confirmed in writing.

SECTION 4. *Form of application.*—Application for inspection of hay under the act shall be in English and shall include the following information: (a) The date of application; (b) the identification and location of the hay; (c) the name and post-office address of the applicant and of the person, if any, making the application in his behalf; (d) the interest of the applicant (except the State) therein; (e) the name, post-office address, and interest of all other known parties, except carriers, interested in the hay involved; (f) the shipping point and destination of the hay; (g) the form of inspection desired; and (h) such other necessary information as the hay inspector may require.

SECTION 5. *When an application may be withdrawn.*—An application for inspection may be withdrawn by the applicant at any time

before the inspection is made upon payment of any expenses incurred in connection therewith.

SECTION 6. When an inspection may be refused.—Inspection may be refused by the hay inspector with whom an application is filed if the application does not comply with the act or any regulation thereunder.

SECTION 7. Certificate for each lot inspected.—The hay inspector shall sign and issue a separate certificate for each lot of hay inspected by him.

SECTION 8. Original and copies of certificate.—The original inspection certificate, immediately upon its issuance, shall be delivered or mailed to the applicant or a person designated by him. One copy shall be filed in the office of the hay inspector, one copy forwarded to the chief of the bureau, and if the shipper is known, and is not the applicant, one copy shall be delivered or mailed to him. Copies will be furnished to other financially interested persons on request.

SECTION 9. Advance information.—Upon request of an applicant, all or any part of the contents of the certificate may be telegraphed or telephoned to him at his expense.

Regulation 5. Reinspections.

SECTION 1. When a reinspection may be had.—Whenever the original applicant or other interested party has reason to believe that the grade of any part, not seen by former inspectors, of a lot of hay for which a partial inspection certificate or partial reinspection certificate has been issued does not conform to the grade stated in such certificate he may make application for a reinspection provided the application is made before the close of the third business day following the date of the partial inspection certificate, or partial reinspection certificate, and before the hay leaves the place where such partial inspection or partial reinspection was made, and before the identity of the hay has been lost.

SECTION 2. Forms of reinspection.—Reinspections may be either complete or partial as follows:

Paragraph 1. Complete reinspection.—A complete reinspection is confined to baled hay and is a thorough examination for quality and condition by a hay inspector either (a) of each bale of hay in the lot or (b) of a sufficient portion of the lot to permit the quality and condition of the entire lot to be determined, under conditions prescribed by the chief of the bureau in effect at the time of making the reinspection.

Paragraph 2. Partial reinspection.—A partial reinspection shall be a partial inspection of the part of the lot on which reinspection has been called. Each partial reinspection certificate shall state the portion of the lot examined by the inspector at the time of such partial reinspection and the results of all previous partial inspections or partial reinspections.

SECTION 3. How to obtain reinspection.—Application for reinspection of hay under the act may be made in writing, or orally, by telegraph, telephone, or otherwise. Such application may be made to (a) any hay inspector, or (b) the chief of the bureau. If made orally the person receiving the application may require that it be confirmed in writing. Such application shall give the reasons therefor and shall be accompanied by the inspection certificate, upon which the reinspection is called, if in the possession of the applicant.

SECTION 4. *When an application for reinspection may be withdrawn.*—An application for reinspection may be withdrawn by the applicant at any time before the reinspection is made upon payment of any expenses incurred in connection therewith.

SECTION 5. *When a reinspection may be refused.*—If it shall appear that the reasons stated in an application for reinspection are frivolous or unsubstantial or that the quality or condition of the hay has undergone a material change since the last previous inspection or reinspection, or the hay can not be made accessible for a more thorough inspection, or the act or these regulations have not been complied with, the application may be refused; and the applicant shall be notified the same day by telegraph or in writing of the reason for such refusal, and a statement of such action shall be included in the record of such application by the official making the same. Upon the dismissal or withdrawal of an application for reinspection any inspection certificate filed therewith shall be immediately returned to the person by whom filed or delivered upon his written order.

SECTION 6. *Certificate for reinspection.*—The inspector making a reinspection shall sign and issue a "Reinspection certificate" referring specifically to all previous inspection and reinspection certificates and stating the quality and condition of the hay as shown by the reinspection. In all other respects the provisions of regulation 4 shall apply to such reinspection certificate, except that copies of the reinspection certificate shall be sent to all interested parties, if known, other than the carriers, and to such of them as have been the applicants for any former inspection or reinspection.

SECTION 7. *Extension of time.*—Upon satisfactory showing of the discovery of fraud, or that on account of distance the time of filing is insufficient, or other good cause, the person mentioned in section 3 of this regulation, to whom the application for reinspection is made, may permit the filing of such application after the time prescribed therefor in these regulations, and a statement of such action shall be included in the record of such reinspection by the official making the same.

Regulation 6. Appeals.

SECTION 1. *When an appeal may be taken.*—Whenever the original applicant or other interested party believes the grade stated in any complete inspection certificate or complete reinspection certificate is not the correct grade for such hay he may file an appeal, provided the appeal is filed before the close of the third business day following the date of the inspection or reinspection, as the case may be, and before the hay leaves the place where such inspection or reinspection was made and before the identity of the hay has been lost.

SECTION 2. *How to take an appeal.*—Application for an appeal, under the act, from a complete inspection or complete reinspection of hay may be made in writing or orally, by telegraph, telephone, or otherwise. If made orally, it shall be confirmed the same day in writing. Such application shall be filed (a) with any inspector, or (b) with the chief of the bureau. Such application shall state the reasons therefor and shall be accompanied by the certificate for the inspection or reinspection from which the appeal is taken, if in the possession of the applicant.

SECTION 3. *When an appeal may be withdrawn.*—An appeal may be withdrawn by the appellant at any time before the appeal inspec-

tion is made upon payment of any expense incurred by the department in connection therewith.

SECTION 4. When an appeal may be dismissed.—If it shall appear to the chief of the bureau or the hay inspectors mentioned in section 5 of this regulation that the reasons stated in an appeal are frivolous or unsubstantial, or the hay has undergone a material change since the inspection or reinspection, from which the appeal is taken, was made, or the act or these regulations have not been complied with, the appeal may be dismissed and the appellant shall be notified by telegraph or in writing of the reason for such dismissal, and a statement of such action shall be included in the record of such appeal by the officer making the same. Upon the dismissal or withdrawal of an appeal any inspection or reinspection certificate filed therewith shall be returned immediately to the person by whom filed or delivered upon his written order.

SECTION 5. Who shall pass upon appeals.—Appeals shall be passed upon by hay inspectors designated for the purpose by the chief of the bureau.

SECTION 6. Appeal inspection certificate.—When an appeal inspection has been made, an appeal inspection certificate shall be signed and issued referring specifically to all previous inspection certificates and reinspection certificates and stating the quality and condition of the hay as shown by the appeal inspection. In all other respects the provisions of regulation 4 shall apply to such appeal inspection certificate, except that copies of the appeal inspection certificate shall be sent to all interested parties, if known, except the carriers, and to such of them as have been the applicants for any former inspection or reinspection.

SECTION 7. Extension of time.—Upon satisfactory showing of the discovery of fraud, or that on account of distance the time of filing is insufficient or other good cause, the person mentioned in section 2 of this regulation with whom the appeal is filed may permit the filing of such appeal after the time prescribed therefor in these regulations, and a statement of such action shall be included in the record of such appeal by the official making the same.

Regulation 7. Fees and Charges.

SECTION 1. Fees and charges.—The fees and charges to be collected by hay inspectors for inspections, reinspections, and appeal inspections at shipping points, designated markets, and other points shall be fixed by the Secretary and published in accordance with the method prescribed in regulation 8, section 1.

SECTION 2. Payment of fees.—The fees and charges for each inspection, reinspection, or appeal inspection shall be paid by the applicant in accordance with the directions on the fee bill furnished him by the hay inspector and in advance if required by the hay inspector. Fees and charges for inspections, reinspections, or appeal inspections made by inspectors who are employed exclusively by the Department of Agriculture shall be remitted promptly to the disbursing clerk of the Department of Agriculture. Fees for inspections made by a licensed inspector acting exclusively for the Department of Agriculture, less the percentage thereof which he is allowed by the terms of his contract as compensation for his services, shall be remitted to the disbursing clerk of the Department of Agri-

culture. Fees for inspections, reinspections, and appeal inspections made by the inspector acting under a cooperative agreement with a State or other agency shall be disposed of in accordance with the terms of such agreement. Such portion of the fees collected under a cooperative agreement with a State or other agency as may be due the United States shall be remitted to the disbursing clerk of the Department of Agriculture. The chief of the bureau will cause to be returned to the person entitled thereto any money remitted in excess of the amount due the United States and to be deposited in the Treasury as miscellaneous receipts all moneys found to be due the United States.

Regulation 8. Miscellaneous.

SECTION 1. Publications.—Publications under the act and these regulations shall be made in Service and Regulatory Announcements of the Bureau of Agricultural Economics and such other mediums as the chief of the bureau may from time to time designate for the purpose.

SECTION 2. Receipt of papers to be recorded.—The hay inspector or any other official of the department receiving any paper accepted for filing shall note thereon, or on a record kept for the purpose, the place and date of its receipt.

SECTION 3. Hay must be accessible.—The applicant shall cause the hay for which inspection, reinspection, or appeal inspection is requested to be made accessible for examination and to be so placed as to disclose its quality and condition. This includes opening of a limited number of bales if the hay inspector considers this to be necessary.

SECTION 4. Time of inspection.—As many inspections, reinspections, and appeal inspections shall be made as facilities will permit and as far as practicable in the order in which applications are received, except that appeal inspections shall take precedence over inspections and reinspections.

SECTION 5. Authority of agents.—Proof of authority of any person applying for inspection on behalf of another may be required, in the discretion of the hay inspector.

SECTION 6. Certificate superseded shall not represent grade of hay.—When an inspection certificate shall have been superseded under these regulations by a reinspection certificate or appeal inspection certificate such inspection certificate shall not thereafter represent the grade of the lot or parcel of hay described therein. If the original and all copies of the superseded certificate are not delivered to the person with whom the application for reinspection or appeal inspection is filed the officer issuing the reinspection certificate or appeal inspection certificate shall give such public notice of the issuance of such reinspection certificate or appeal inspection certificate and cancellation of the original certificate as he considers necessary to prevent fraud.

SECTION 7. Misrepresentation.—Any misrepresentation or any deceptive or fraudulent practice made or committed by an applicant for inspection or reinspection may be deemed sufficient cause for barring the person guilty thereof from any further benefits of the act, and in case of violation of the food and drugs act of June 30, 1906, may subject the shipper to prosecution and the hay to seizure.